

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

SANTOS RAMIREZ,	§	
	§	
Petitioner,	§	
VS.	§	CIVIL ACTION NO. C-09-352
	§	
RICK THALER,	§	
	§	
Respondent.	§	

**ORDER ADOPTING MEMORANDUM AND
RECOMMENDATION**


On October 8, 2010, United States Magistrate Judge B. Janice Ellington signed a Memorandum and Recommendation recommending that respondent's motion for summary judgment (D.E. 12) be granted, that petitioner's cross-motion for summary judgment (D.E. 16) be denied, that petitioner's petition (D.E. 1) be dismissed, and that petitioner be denied a certificate of appealability.

On November 22, 2010, petitioner filed Objections to the Magistrate's Recommendations. (D.E. 22.) Having reviewed the findings of fact and conclusions of law therein, as well as the pleadings on file and petitioner's objections, and having made a *de novo* disposition of those portions of the Magistrate Judge's recommended disposition to which objections were raised, see Koetting v. Thompson, 995 F.2d 37 (5th Cir. 1993), 28 U.S.C. § 636(b)(1)(C); Fed.R.Civ.P.72(b), the Court hereby adopts as its own the findings and conclusions of the Magistrate Judge, as contained in the "Jurisdiction," "Background," and "Applicable Law: Statute of Limitations" section of the Memorandum and Recommendation. (D.E. 17 at 1-11.)

Accordingly, it is ORDERED that respondent's motion for summary judgment is granted, petitioner's cross-motion for summary judgment is denied, that petitioner's petition is dismissed, and that petitioner is denied a certificate of appealability.

The clerk shall enter this order and provide a copy to all parties.

SIGNED and ORDERED this 10th day of December, 2010.



Janis Graham Jack
United States District Judge